

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-74 are pending in this application.

In the April 1, 2009 Office Action, claims 20, 26, 28 and 29 were objected to and claims 1-51 were rejected.

Claims 1-6, 8, 10-11, 13, 16, 19-20, 24-25, 27, 29, 31-32, 35, 37, 40-41, 44-46 and 48-51 have been amended herein, and new claim 75 has been added herein. Applicants respectfully assert that the amendments to the claims and the new claim add no new matter

Claims 20, 26, 45 and 52-74 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

Restriction Requirement

In the Office Action dated April 1, 2009, the Examiner stated that this application contains inventions or group of inventions which are not so linked as to form a single general inventive concept under PCT rule 13.1:

1. claims 1-51, drawn to a method of forming a structure by providing a substrate, applying a voltage, applying heat to a substrate, using an electronic feedback mechanism to apply voltage,
2. claims 52-67, drawn to a device, and
3. claims 68-74, drawn to a substrate produced.

The Examiner confirmed Applicant's oral election of claims 1-51 of Group 1 and withdrew nonelected claims 52-74 of Groups 2 and 3. Applicants herein cancel these claims 52-74 without prejudice to its rights to file divisional and/or continuation patent applications in these non-elected claims.

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REMARKS TO THE SPECIFICATION

The Examiner has objected to the reference to trademarks in the specification. Applicant has amended the specification to correct these informalities. These amendments are editorial in nature and do not introduce new matter.

CLAIM OBJECTIONS

In the Office Action, the Examiner objected to claims 20, 26, 28 and 29 because of alleged claim dependency informalities.

Claims 20 and 26 have been canceled, and claim 29 has been amended in order to change its dependency to claim 22. Accordingly, Applicants request withdrawal of the objection to these claims.

With respect to claim 28, the Examiner stated that claim 28 is broader than claim 1 because it removes the requirement for step (c). Applicant disagrees and respectfully requests further clarification regarding the Examiner's objection.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 1-51 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner stated that claims 1-5, 10, 11, 13, 16, 19, 24, 25, 31, 37, 40, 41, 44, 46 and 48-51, as well as claims that depend from these claims, are indefinite because they contain a broad range or limitation along with a narrow range or limitation. Applicant has amended each of these claims to cure these objections.

The Examiner objected to claim 45 due to the recitation of the trademarked term "Teflon". Applicant notes that claim 45 has been canceled herein.

The Examiner objected to claims 8, 27, 35 and 45 as indefinite due to the presence of the terms "such as" or "for example". Applicant has amended claims 8, 27 and 35, and have canceled claim 45, to cure these objections.

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These claims have been amended to overcome the deficiencies noted by the Examiner. It is respectfully asserted that the foregoing amendments merely address matters of form and do not change the literal scope of the claims in any way or result in any prosecution history estoppel. Applicant respectfully asserts that these amendments render the claims named above proper under 35 USC 112 and request that the rejections be withdrawn.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1-2, 5-20, 32-35, 41-44 and 46-50 under 35 U.S.C. § 102(b), as being anticipated by Cross (U.S. Patent No. 4,777,338). Applicants respectfully traverse this rejection in view of the remarks that follow.

Applicant notes that Cross discloses a method for perforating plastic film, which method comprises moving a film to be perforated through a waterbath, positioning electrodes adjacent opposite the side of the film in this waterbath, and applying a pulsed electrical potential between the electrodes. The spark discharges are externally controlled by a trigger generator "at an appropriate repetition frequency according to the perforation spacing required" (see Cross, column 5, lines 10-12).

Applicant points out that the trigger generator denoted by reference numeral "42" of Cross, which the Examiner appears to consider as anticipating the electronic feedback mechanism required by claim of the present invention, does not comprise a current and/or voltage analysis circuit, nor does it actually control the voltage supply output parameters, nor does it actually control the energy or heat source, as required by present claim 1. The trigger generator 42 of Cross does not provide for a feedback which would control the voltage supply. Instead, the trigger generator 42 of Cross is driven by a generator 44 to trigger the thyatron 30. In fact, there is no feedback that would be dependent on the actual process of spark discharging.

Applicant submits that there is, effectively, no feedback in Cross at all which would be dependent on the actual status of spark discharging. Consequently, amended independent claim 1 differs from the process disclosed in Cross at least in the features pertaining to the performance of step b) involving the electronic feedback mechanism.

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Consequently, the subject matter of amended independent claim 1 is novel over the cited Cross reference. Claims 2, 5-19, 32-35, 41-44, 46-50, which are directly dependent upon amended independent claim 1 and therefore require all the limitations thereof, are also novel over the cited Cross reference. Applicant respectfully requests reconsideration and withdrawal of this rejection.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 3-4, 21-30, 36-40, 45 and 51 under 35 U.S.C. § 103(a), as being unpatentable over Cross in view of Davies et al. (U.S. Patent No. 3,760,153). Applicants respectfully traverse this rejection.

The deficiencies of Cross with respect to amended independent claim 1 have been discussed above.

Applicant contends that Davies et al. is equally defective and does not solve the deficiencies of Cross in that Davies et al. does not disclose a feedback mechanism which actually controls voltage supply output parameters and/or the energy or heat source. Consequently, even if one did combine the two cited references, one would still not arrive at the subject matter of the present invention. Cross and Davies et al., either alone or in combination, do not disclose an electronic feedback mechanism, as required by amended independent claim 1.

Consequently, claims 3-4, 21-25, 27-30, 36-40 and 51, which are dependent upon amended independent claim 1 and require all the limitations thereof, are not obvious over the combination of Cross and Davies et al. Applicant respectfully requests reconsideration and withdrawal of this rejection.

Conclusion

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

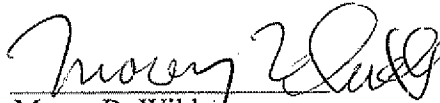
Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the

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prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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